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Notice to Subscribers

See important
correction on page 547
of this issue.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before May 20, 2019, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of May 20, 2019.

Gail S. Klakring
Administrator, Division of State Documents
Office of the Secretary of State



Title 13A STATE BOARD OF EDUCATION

Subtitle 12 CERTIFICATION

13A.12.02 Teachers

Authority: Education Article, §§2-205, 2-303(g), 6-701—6-705, 8-3A-03, and 8-303, Annotated Code of Maryland

Notice of Final Action

[19-062-F]

On May 21, 2019, the Maryland State Board of Education adopted amendments to Regulation .23 under **COMAR 13A.12.02 Teachers**. This action, which was proposed for adoption in 46:7 Md. R. 376 (March 29, 2019), has been adopted as proposed.

Effective Date: June 17, 2019.

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Title 14 INDEPENDENT AGENCIES

IMPORTANT CORRECTION

COMAR 14.09.11.01

The Notice of Final Action docketed as 19-058-F in 46:11 Md. R. 516 (May 24, 2019) was filed in error with the Division of State Documents. The Notice of Proposed Action docketed as 19-058-P in 46:6 Md. R. 352—353 (March 15, 2019) is still pending adoption.

Subtitle 37 OFFICE OF THE PUBLIC ACCESS OMBUDSMAN

Notice of Final Action

[19-067-F]

On May 28, 2019, the Office of the Public Access Ombudsman adopted under a new subtitle, Subtitle 37 Office of the Public Access Ombudsman:

(1) New Regulations .01 and .02 under a new chapter, **COMAR 14.37.01 General Provisions**;

(2) New Regulations .01—.06 under a new chapter, **COMAR 14.37.02 Process**;

(3) New Regulations .01 and .02 under a new chapter, **COMAR 14.37.03 Confidentiality of Mediation Information**;

(4) New Regulations .01 and .02 under a new chapter, **COMAR 14.37.04 Disputed Public Records**; and

(5) New Regulations .01 and .02 under a new chapter, **COMAR 14.37.05 Written Guidance**.

This action, which was proposed for adoption in 46:7 Md. R. 377—379 (March 29, 2019), has been adopted with the nonsubstantive changes shown below.

Effective Date: June 17, 2019.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 14.37.01.01; COMAR 14.37.05; COMAR 14.37.05.01; and COMAR 14.37.05.02: In response to comments received requesting clarification of the Ombudsman's proposal to issue "advisory opinions", the defined term "advisory opinion" has been replaced with the defined term "written guidance"; the verb "issue" has been replaced with the verb "provide"; and certain language was deleted and other language was added to emphasize that the Ombudsman will only publish written guidance after obtaining the consent of the relevant parties. These changes are not substantive because they merely clarify the practice described in the proposed regulation, and because they do not substantially affect the rights, duties, or obligations of a member of the public.

COMAR 14.37.02.02: In response to comments received requesting clarification of the Ombudsman's practice of requesting documents that may facilitate the mediation process, the word "shall" has been replaced with the word "may" to emphasize that the submission of requested documents is voluntary, and language was added to clarify that the Ombudsman only requests documents that "the Ombudsman believes" may facilitate the mediation process. These changes are not substantive because they merely clarify the practice described in the proposed regulation, and because they do not substantially affect the rights, duties, or obligations of a member of the public.

COMAR 14.37.02.04: In response to comments received suggesting that the regulations should highlight aspects of the Ombudsman's dispute-resolution process other than mediation—such as answering questions about the Act and providing trainings on the Act—that language has been added. These changes are not substantive because they merely expand upon the practice described in the proposed regulation, and because they do not substantially affect the rights, duties, or obligations of a member of the public.

14.37.01 General Provisions

Authority: General Provisions Article, §§4-1B-01 — 4-1B-04, Annotated Code of Maryland

.01 Definitions.

A. (proposed text unchanged)

B. *Terms Defined.*

(1) (proposed text unchanged)

[(2) "*Advisory opinion*" means a nonbinding opinion that advises on the interpretation of the Act and the application of the Act to specific facts.]]

[(3)] (2)—[(17)] (16) (proposed text unchanged)

(17) "*Written guidance*" means nonbinding guidance that advises parties on the interpretation of the Act and the application of the Act to specific facts.

14.37.02 Process

Authority: General Provisions Article, §§4-1B-01 — 4-1B-04, Annotated Code of Maryland

.02 Documents Required.

A. (proposed text unchanged)

B. *Upon the Office's request, a party [(shall)] may provide the Office with:*

(1) (proposed text unchanged)

(2) *Any other documents that the Ombudsman believes may facilitate the mediation process.*

.04 Conduct of Ombudsman.

A.—E. (proposed text unchanged)

F. In addition to or in lieu of mediation, the Ombudsman may engage in other reasonable efforts to resolve or prevent a dispute or potential dispute, such as by answering questions about the Act, by

providing trainings on the Act, and by engaging in preliminary conversations with a party about the subject of a dispute or potential dispute.

14.37.05 [[Advisory Opinions]] Written Guidance

Authority: General Provisions Article, §§4-1B-01 — 4-1B-04, Annotated Code of Maryland

.01 Ombudsman May [[Issue]] Provide.

A. The Ombudsman may [[issue advisory opinions]] provide written guidance to parties in furtherance of the mediation process.

B. [[An advisory opinion]] Written guidance may not disclose information that any party claims is confidential.

.02 Ombudsman May Publish.

A. In the Ombudsman's sole discretion, and to the extent that the Ombudsman believes publication will promote understanding of the Act, the Ombudsman may publish [[an advisory opinion]] written guidance.

B. Before publishing [[an opinion]] written guidance, the Ombudsman shall:

(1) Remove all identifying information; and

[[(2) Provide the parties with the opportunity to review the opinion; and

(3) Address any concerns of the parties about publication of the opinion.]]

(2) Obtain consent from the parties to whom it was provided.

LISA KERSHNER
Public Access Ombudsman

Title 33 STATE BOARD OF ELECTIONS

Subtitle 16 PROVISIONAL VOTING

33.16.07 Post-Election Procedures

Authority: Election Law Article, §§2-102(b)(4), 2-202(b), 9-402, 9-403, 9-404, 9-406, and 11-303(c) and (e), Annotated Code of Maryland

Notice of Final Action

[19-036-F]

On April 24, 2019, the State Board of Elections adopted amendments to Regulation .02 under **COMAR 33.16.07 Post-Election Procedures**. At this time the State Board is not adopting amendments to Regulation .01 and new Regulations .08—.10 under **COMAR 33.08.05 Post-Election Verification and Audit**. This action, which was proposed for adoption in 46:5 Md. R. 324—325 (March 1, 2019), has been adopted as otherwise proposed.

Effective Date: June 17, 2019.

LINDA H. LAMONE
State Administrator of Elections